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*Attorneys for Defendants Central Park Real Estate LLC and
Central Park South 50 Properties LLC*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FIRESTAR DIAMOND, INC., *et al.*
Debtors.

RICHARD LEVIN, Chapter 11 Trustee of
FIRESTAR DIAMOND, INC., FANTASY, Inc., and
OLD AJ, INC. f/k/a A. JAFFE, INC.,

Plaintiff,

vs.

AMI JAVERI (A/K/A AMI MODI); ET AL,

Defendants.

Chapter 11

No. 18-10509 (SHL)

Jointly Administered

Adv. Proc. No. 20-01054 (SHL)

**NOTICE OF MOTION
TO DISMISS**

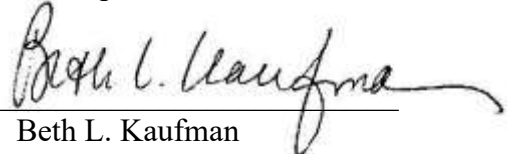
PLEASE TAKE NOTICE that, upon the annexed declaration of Beth L. Kaufman, executed on September 15, 2020, together with the accompanying memorandum of law, defendants Central Park Real Estate LLC ("CPRE") and Central Park South 50 Properties LLC ("CPS50") (collectively, the "LLCs") shall move this Court, before Hon. Sean H. Lane, United States Bankruptcy Judge, at the United States Courthouse, One Bowling Green, New York, New York 10004, on a date and at a time to be set by the Court, for an order, (1) pursuant to Rule 7012 of the Federal Rules of Bankruptcy Procedure and Rule 12(b)(6) of the Federal

Rules of Civil Procedure, dismissing the Trustee's claims against the LLCs in their entirety with prejudice because the Trustee fails to state a claim upon which relief can be granted, among other grounds as set forth in the LLCs' accompanying memorandum of law, or, if the claims against the LLCs are not dismissed in their entirety, (2) limiting the claims asserted by the Trustee against the LLCs to only those that are not barred by the applicable statutes of limitation, and (3) granting such other and further relief as the Court deems just and proper.

Dated: September 15, 2020

Respectfully Submitted,

Schoeman Updike Kaufman & Gerber LLP

By: 
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